

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD M. HARRIS,

Plaintiff,

v.

PENNSYLVANIA BOARD OF
PROBATION & PAROLE, et al.,

Defendants.

NO. 3:12-CV-00674

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SAPORITO)

ORDER

NOW, this 24th day of September, 2015, upon review of the Report and Recommendation of Magistrate Judge Saporito (Doc. 99) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 99) is **ADOPTED in its entirety**.
- (2) Defendants' Motion for Summary Judgment (Doc. 84) is **GRANTED in part and DENIED in part**.
- (3) Defendants' Motion for Summary Judgment is **GRANTED** as to Plaintiff's Ex Post Facto Clause claim (Count 1 of the Second Amended Complaint), Double Jeopardy claim (Count 2 of the Second Amended Complaint), Fourteenth Amendment Due Process claim (Count 4 of the Second Amended Complaint), and First Amendment retaliation and access to courts claim (Count 5 of the Second Amended Complaint).
- (4) The following Defendants are dismissed from this action: Lisa Hollibaugh, the Pennsylvania Board of Probation & Parole, Kimberly Barkley, John Wetzel, Jon Fisher, and Charles Smith.

- (5) Defendants' Motion for Summary Judgment is **DENIED** as to Plaintiff's Equal Protection claim (Count 3 of the Amended Complaint) as it relates to Defendants B. Bowman, Lisa Moffa, and Mandy Biser.
- (6) The matter is **RECOMMENDED** to Magistrate Judge Saporito.

A handwritten signature in black ink, appearing to read "A. Richard Caputo", written over a horizontal line.

A. Richard Caputo
United States District Judge